

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Allowable subject matter

The applicants are grateful to the examiner for the acknowledgment of allowable subject matter in the pending application. The applicants have relied on this acknowledgment in preparing the amendment of the claims. Moreover, claim 22 has been left unchanged, and the allowable subject matter of claim 15 has been incorporated into claim 10 on the basis of the indication of allowable subject matter.

The applicants note that the pending application has been assigned to a new examiner. It is respectfully requested that the new examiner give full, faith and credit to the search and the outstanding action of the former examiner in accordance with MPEP §§ 704.01 and 706.04.

2. Information Disclosure Statement

An information disclosure statement is provided herewith that lists certain patents which are discussed in U.S. patent 5,308,313 (*Karami et al.*). This information disclosure statement was not filed previously since the *Karami et al.* was not known to the applicants before the mailing of the outstanding action.

3. In the claims

In the amendment of the claims, claim 1 is amended to include the description of the facing layer of claim 21, which was apparently not considered by the examiner in the outstanding action. In supplement to the subject matter of claim 21, claim 1 also defines both the border and center portions of the wound dressing which are described in originally filed claim 2, and further indicates that the center portion is an apertured elastomeric gel, as described throughout the originally filed specification. The border and center portions are defined as having different degrees of skin adhesion, as originally recited in claim 6. Of additional importance is that claim 1 now recites that the center portion of the facing layer is directly secured to the absorbent core, as shown in Fig. 17 and discussed in the sections of the specification referring thereto.

Claims 2-5, and 7-9 are amended in view of the changes to claim 1.

Claim 6 is canceled in view of the amendment to claim 1.

Claim 10 is amended to include the allowable subject matter of claim 15. This claim should be allowed in view of the prior acknowledgment of allowability of the subject matter of claim 15.

Claim 15 is canceled in view of the amendment to claim 10.

Claim 21 is canceled in view of the amendment to claim 1.

New claim 23 is an independent claim which includes subject matter from both amended claim 1 and original claim 22. Support for this claim is provided by Figs. 14-17 and the corresponding sections in the specification.

It is submitted that the amendment to the claims does not introduced new matter since there is ample support in the specification for all of the new features provided in the pending claims.

4. Rejection of claims 1-3, 6-12, 16, 17, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,308,313 (*Karami*) in view of U.S. patent 6,461,467 (*Blatchford*)

Withdrawal of this rejection is respectfully requested in view of the amendment to claims 1 and 10 from which the remaining rejected claims depend.

The rejection of claim 10 is particularly moot in view of the addition of the subject matter of claim 15 which was identified as being allowable subject matter in the outstanding action.

Claim 1, on the other hand, has been amended to include features which are clearly not taught by *Karami* and *Blatchford*, whether considered collectively or individually. It is submitted that because of the amendment to claim 1, the combination of *Karami* and *Blatchford* does not render amended claim 1 *prima facie* obvious.

Turning first to *Karami*, it is readily apparent that this patent does not disclose or suggest a facing layer having regions that have different degrees of skin adherence, as acknowledged in the action. Next, *Karami* does not disclose or suggest a facing layer that is "directly secured" to an absorbent core. Instead, *Karami* only teaches securing a pressure sensitive adhesive (14) to a sheet material (12) which in turn is connected to an absorbent fabric (32) (Fig. 4; col. 4, lines 57-67; col. 6, lines 3-13).

There is no suggestion in *Karami* that would motivate one skilled in the art to dispense with the sheet material simply because this would require eliminating the "elegant manner" that *Karami* professes to improve upon over the prior art (col. 2, lines 57-68). Specifically, *Karami* admits that it requires the sheet material (12) to be laminated to the absorbent fabric (32) in order to overcome the shortcomings found in the prior art (col. 1, lines 7-16; col. 2, lines 20-33).

Further, *Karami* fails to disclose or suggest a facing layer that is an elastomeric gel. The only reference to what *Karami* envisions the adhesive to be includes medical grade adhesives such as rubber-based, acrylic, vinyl ether and hydrocolloid pressure-sensitive adhesives (col. 7, lines 15-24). Nowhere is there any reference by *Karami* of using an elastomeric gel as the adhesive.

In observing *Blatchford*, it is clear that this patent does not make up for the shortcomings of *Karami*. Namely, *Blatchford* does not disclose or suggest a facing layer that comprises an elastomeric gel. *Blatchford* enumerates the types of pressure sensitive adhesives that could be used, but nowhere is there any hint of an elastomeric gel (col. 4, line 33 through col. 5, line 14). While *Blatchford* refers to the possibility of using a low adhesion coating on the backing (12) that may include a silicone resin, as described in U.S. patent 5,551,855, the compositions described in that patent are not elastomeric gels (col. 5, lines 6-14).

It is submitted that one skilled in the art would not be motivated by either *Karami* or *Blatchford* to provide an elastomeric gel facing layer on a wound dressing since neither of these patents teach such a concept, and there is no evidence in either

of the patents which would tend even to hint to one skilled in the art to use an elastomeric gel.

Blatchford also does not disclose or suggest directly securing a facing layer to an absorbent core. In each of the embodiments described by *Blatchford*, the first and second pressure sensitive adhesives are secured to a backing. The backing of *Blatchford* is described as a film (col. 4, lines 24-32), and there is no reference to the backing as being absorbent, as required of the core in pending claim 1.

One skilled in the art would not be motivated by *Blatchford* to directly secure a facing layer to an absorbent core since *Blatchford* is clearly related to "substantially contact transparent" medical dressings which allow one to view a patient's skin through the dressing (col. 2, lines 21-31). Taken in combination with *Karami*, one skilled in the art would not be motivated to directly secure a facing layer to an absorbent core since neither of these patents disclose or suggest this feature, and in fact actually teach away from such a feature, as shown in the cited passages of these patents.

In view of these observations, it is submitted that *Karami* and *Blatchford* fail to disclose or suggest every limitation required by amended claim 1 and, moreover, one skilled in the art would not be motivated to make a wound dressing having all of the features of claim 1 since there is no suggestion among *Karami* and *Blatchford* to make the necessary modifications.

Accordingly, withdrawal of this rejection is respectfully requested.

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5. Conclusion


As a result of the allowable subject matter, amendment to the claims, and the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written over a horizontal line.

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